

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2012 NOV -8 AM 11:21

DEPUTY CLERK

3-12CV-4506M

TOBIAN JOHNSON
Plaintiff

vs

ZWICKER & ASSOCIATES, P.C.
CHRISTOPHER D. OSBORN
JOSEPH M. O'BELL
Defendants

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Case No. _____

Judge _____

TRIAL BY JURY DEMANDED

COMPLAINT FOR VIOLATIONS OF FCRA AND FDCPA

JURISDICTION

1. This court has jurisdiction under 15 U.S.C. § 1681p, 15 U.S.C. § 1692, et seq., and 28 U.S.C. § 1331.
2. All conditions precedent to the bringing of this action have been performed.

PARTIES

3. The Plaintiff in this lawsuit is Tobian Johnson, a natural person, who resides in Dallas County, Texas.
4. The plaintiff is a consumer as defined by the FDCPA, 15 U.S.C. 1692a(3), FCRA, 15 U.S.C. § 1681a(c), Texas Business and Commerce Code § 17.50(a)(1) and Texas Finance Code § 392.001(1).
5. Defendant ZWICKER & ASSOCIATES, P.C. (hereinafter ZWICKER) is a debt collection law firm with offices at 321 N. Main Street Taylor, TX 76574.

6. ZWICKER & ASSOCIATES, P.C. is a law firm who at all relevant times was engaged, by the use of the mail and telephone in the business of attempting to collect a “debt” from Plaintiffs, as defined by 15 U.S.C. § 1692a(5) and by Tex. Fin. Code Ann. § 392.001(6).
7. ZWICKER & ASSOCIATES, P.C. uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.
8. Christopher D. Osborn (hereinafter Osborn) is an attorney employed by ZWICKER & ASSOCIATES, P.C. located at 321 N. Main Street Taylor, TX 76574 is a “debt collector” as defined by 15 U.S.C. § 1692a(6) and by Tex. Fin. Code Ann. § 392.001(2) who at all relevant times was engaged, by the use of the mail and telephone in the business of attempting to collect a “debt” from Plaintiffs, as defined by 15 U.S.C. § 1692a(5) and by Tex. Fin. Code Ann. § 392.001(6).
9. Osborn uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.
10. Defendant Joseph M. O’Bell (hereinafter O’Bell) is an attorney employed by ZWICKER & ASSOCIATES, P.C. located at 321 N. Main Street Taylor, TX 76574 is a “debt collector” as defined by 15 U.S.C. § 1692a(6) and by Tex. Fin. Code Ann. § 392.001(2) who at all relevant times was engaged, by the use of the mail and telephone in the business of attempting to collect a “debt” from Plaintiffs, as defined by 15 U.S.C. § 1692a(5) and by Tex. Fin. Code Ann. § 392.001(6).

11. O'Bell uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

VENUE

12. The occurrences which give rise to this action occurred in Dallas County, Texas and Plaintiff resides in Dallas County, Texas.
13. Venue is proper in the Northern District of Texas, Dallas Division.

GENERAL ALLEGATIONS

14. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than the Defendants.
15. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendants, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes and Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than the Defendants.
16. Defendants use instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.
17. On or about December 19, 2012, Plaintiff was served with a summons for a lawsuit signed by Osborn representing Zwicker who was allegedly representing American Express Bank

FSB in the County Court at law No. 1 of Dallas County, Texas case# 11-07906-A. The suit was an attempt to collect for an alleged debt in the amount of \$3,415.65 said to be owed to American Express Bank FSB.

18. Plaintiff answered the lawsuit and denied all allegations.
19. On or about May 30, 2012 Defendant O'Bell representing Zwicker filed a Motion for Summary Judgment. Plaintiff answered with his Memorandum in Opposition to Summary Judgment along with an affidavit within a timely manner.
20. On June 19, 2012 Plaintiff filed a Motion to strike American Express Bank FSB's Affidavit along with a Motion to Challenge Zwicker's Authority to Represent American Express Bank FSB under TRCP Rule 12. The court set a hearing for the Motion to Strike Affidavit and Motion to Challenge Zwicker's Authority to Represent American Express bank FSB on July 25, 2012.
21. On July 25, 2012, the evidence that was presented by the Defendants in an attempt to collect an alleged consumer debt was stricken from the record. Defendants O'Bell, Osborn and Zwicker did not have so much as a shred of evidence to show that they were truly representing American Express Bank FSB as they had represented to the Court. The Court gave the defendants 7 days to present evidence to show that they had Authorization to represent American Express Bank FSB.
22. On July 31, 2012 Defendants dismissed the case.
23. The actions taken by the Defendants attempting to collect an alleged debt and not having the authority to represent American Express Bank FSB is the use of a false representation or deceptive means to collect or attempt to collect the debt and is a violation of 15 U.S.C. §1692e(10), and Tex. Fin. Code § 392.304(a)8.

24. The Defendants attempting to collect an alleged debt in the amount of \$3415.65 is a deceptive practice as well as a false representation of the amount of an alleged debt, and constituted an unfair and unconscionable means being employed to collect a debt alleged to be owed by the Plaintiffs and is a violation of 15 U.S.C. § 1692e(2), § 1692f, Tex. Fin. Code § 392.303(a)2, and Tex. Fin Code § 392.304(a)8.
25. Plaintiff obtained his consumer credit reports from the three major credit reporting agencies and found entries by entities that he was unfamiliar with in the reports.
26. Plaintiff found after examination of his Experian consumer credit report that Defendant ZWICKER had obtained Plaintiff's Experian consumer credit report on February 2, 2011.
27. Plaintiff found after examination of his TransUnion consumer credit report that Defendant ZWICKER had obtained Plaintiff's Trans Union consumer credit report on February 3, 2011.
28. All violations alleged herein are within the statute of limitations of the applicable statutes.
29. Plaintiff denies having an account or owing any balance to AMERICAN EXPRESS BANK, FSB or ZWICKER & ASSOCIATES, P.C.

COUNT I

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT (FDCPA) 15 U.S.C. § 1692e(10) BY DEFENDANTS ZWICKER & ASSOCIATES, P.C., CHRISTOPHER D. OSBORN, AND JOSEPH M. O'BELL.

30. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
31. Plaintiff is a consumer within the meaning of the FDCPA § 1692a(3).
32. ZWICKER is a debt collector within the meaning of the FDCPA 15 U.S.C. § 1692a(6).
33. Osborn is a debt collector within the meaning of the FDCPA § 1692a(6).

34. Defendants, as debt collectors, violated 15 U.S.C. § 1692e(10) by filing a lawsuit against the Plaintiff, who is a consumer, attempting to collect an alleged debt when Defendants had no evidence to show authority to represent American Express Bank, FSB.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a. Adjudging that the Defendants violated the FDCPA.
- b. Awarding Plaintiff statutory damages pursuant to 15 U.S.C. § 1692k in the amount of \$1,000 per Defendant;
- c. Awarding Plaintiff any attorney's fees and costs incurred in this action.
- d. Awarding Plaintiff any post judgment interest as may be applicable under the law.
- e. Awarding such other and further relief as the Court may deem just and proper.

COUNT II

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT (FDCPA) 15 U.S.C. § 1692g(b) and § 1692f BY DEFENDANTS ZWICKER & ASSOCIATES, P.C. AND JOSEPH M. O'BELL.

35. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
36. Plaintiff is a consumer within the meaning of the FDCPA § 1692a(3).
37. ZWICKER is a debt collector within the meaning of the FDCPA 15 U.S.C. §1692a(6).
38. O'Bell is a debt collector within the meaning of the FDCPA §1692a(6).
39. Defendants, and O'Bell, acting as debt collectors, violated 15 U.S.C. § 1692e(2) and 15 U.S.C. § 1692f by attempting to obtain a summary judgment against the Plaintiff, who is a consumer, when Defendants had had no evidence to substantiate that the amount of

\$3415.65 alleged to be owed was true and correct or that they did, in fact represent American Express Bank FSB..

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a. Adjudging that the Defendants violated FDCPA.
- b. Awarding Plaintiff statutory damages pursuant to 15 U.S.C. § 1692k in the amount of \$1,000 per Defendant;
- c. Awarding Plaintiff any attorney's fees and cost incurred in this action.
- d. Awarding Plaintiff any pre-judgment and post judgment interest as may be under the law.
- e. Awarding such other and further relief as the Court may deem just and proper.

COUNT III

VIOLATIONS OF THE TEXAS DEBT COLLECTION PRACTICES ACT (TDCPA) BY DEFENDANTS ZWICKER & ASSOCIATES, P.C., CHRISTOPHER D. OSBORN AND JOSEPH M. O'BELL.

40. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
41. Defendants violated the Texas Debt Collection Practices Act in one or more of the following ways:
 - a. Collecting or attempting to collect interest or a charge, fee, or expense incidental to the obligation unless the interest or incidental charge, fee, or expense is expressly authorized by the agreement creating the obligation or legally chargeable to the consumer pursuant to Tex. Fin. Code § 392.303(a)2.

- b. Misrepresenting the character, extent, or amount of a consumer debt, or misrepresenting the consumer debt's status in a judicial or governmental proceeding pursuant to Tex. Fin Code § 392.304(a)8

WHEREFORE, plaintiff prays for relief and judgment, as follows:

- a) Adjudging the defendants violated the TDCPA
- b) Awarding Plaintiff statutory damages pursuant to the TDCPA;
- c) Awarding Plaintiff any attorney's fees and costs incurred in this action;
- d) Awarding Plaintiff any post judgment interest as may be allowed under the law;
- e) Awarding such other and further relief as the Court may deem just and proper.

COUNT IV

VIOLATIONS OF THE TEXAS DECEPTIVE TRADE PRACTICES ACT (DTPA) BY DEFENDANTS ZWICKER & ASSOCIATES, P.C., CHRISTOPHER D. OSBORN AND JOSEPH M. O'BELL

- 42. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
- 43. A violation of the Texas Debt Collection Practices Act is a deceptive trade practice under the Texas Deceptive Trade Practices Act, and is actionable under the Texas Deceptive Trade Practices Act. Tex. Fin. Code. Ann. § 392.404(a).
- 44. Defendants violated Tex. Bus. Com. Code § 17.50(h).

WHEREFORE, Plaintiffs pray for relief and judgment as follows:

- a. Adjudging that Defendants violated the Texas Deceptive Trade Practices Act, Tex. Bus. Com. Code, Chapter 17, Subchapter E;
- b. Awarding Plaintiffs actual damages, pursuant to Tex. Bus. Com. Code § 17.50(h);

- c. Awarding Plaintiffs three times actual damages, pursuant to Tex. Bus. Com. Code § 17.50(h);
- d. Awarding Plaintiffs any attorney's fees and costs incurred in this action;
- e. Awarding Plaintiffs any post-judgment interest as may be allowed under the law;
- f. Awarding such other and further relief as the Court may deem just and proper.

COUNT V

VIOLATION OF THE FAIR CREDIT REPORTING ACT, 15 U.S.C. §1681 et seq., WILLFUL NON-COMPLIANCE BY ZWICKER & ASSOCIATES, P.C.

- 45. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
- 46. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. § 1681a(c).
- 47. Experian is a credit reporting agency within the meaning of the FCRA, 15 U.S.C. § 1681a(f).
- 48. Consumer credit report is a consumer report within the meaning of the FCRA, 15 U.S.C. § 1681a(d).
- 49. The FCRA, 15 U.S.C. § 1681b defines the permissible purposes for which a person may obtain a consumer credit report.
- 50. Such permissible purposes as defined by 15 U.S.C. § 1681b are generally, if the consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.
- 51. Plaintiff has never had any business dealings or any accounts with, made application for credit from, made application for employment with, applied for insurance from, or received a bona fide offer of credit from the Defendant ZWICKER & ASSOCIATES, P.C.

52. On February 2, 2011 Defendant obtained the Experian consumer credit report for the Plaintiff with no permissible purpose in violation of the FCRA, 15 U.S.C. § 1681b.
53. At no time did Plaintiff give his consent for ZWICKER & ASSOCIATES, P.C. to acquire his consumer credit report from any credit reporting agency.
54. The actions of Defendant obtaining the consumer credit report of the Plaintiff with no permissible purpose or Plaintiff's consent was a willful violation of FCRA, 15 U.S.C. § 1681b and an egregious violation of Plaintiff's right to privacy.

WHEREFORE, Plaintiff demands judgment for damages against Defendant, ZWICKER & ASSOCIATES, P.C. for statutory damages of \$1000.00, any attorney's fees, and costs pursuant to 15 U.S.C. § 1681n.

COUNT VI

VIOLATION OF THE FAIR CREDIT REPORTING ACT, 15 U.S.C. §1681 et seq., WILLFUL NON-COMPLIANCE BY DEFENDANT ZWICKER & ASSOCIATES, P.C.

55. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
56. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. § 1681a(c).
57. Trans Union is a credit reporting agency within the meaning of the FCRA, 15 U.S.C. § 1681a(f).
58. Consumer credit report is a consumer report within the meaning of the FCRA, 15 U.S.C. § 1681a(d).
59. The FCRA, 15 U.S.C. § 1681b defines the permissible purposes for which a person may obtain a consumer credit report.

60. Such permissible purposes as defined by 15 U.S.C. § 1681b are generally, if the consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.
61. Plaintiff has never had any business dealings or any accounts with, made application for credit from, made application for employment with, applied for insurance from, or received a bona fide offer of credit from the Defendant ZWICKER & ASSOCIATES, P.C.
62. At no time did Plaintiff give his consent for Defendants ZWICKER & ASSOCIATES, P.C. to acquire his consumer credit report from any credit reporting agency.
63. On February 3, 2011 Defendant ZWICKER & ASSOCIATES, P.C. obtained the Trans Union consumer credit report for the Plaintiff with no permissible purpose in violation of the FCRA, 15 U.S.C. § 1681b.
64. The actions of Defendant obtaining the consumer credit report of the Plaintiff with no permissible purpose or Plaintiff's consent was a willful violation of FCRA, 15 U.S.C. § 1681b and an egregious violation of Plaintiff's right to privacy.

WHEREFORE, Plaintiff demands judgment for damages against Defendant, ZWICKER & ASSOCIATES, P.C. for statutory damages of \$1000.00, any attorney's fees, and costs pursuant to 15 U.S.C. § 1681n

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: November 8, 2012

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Tobian Johnson", written over a horizontal line.

Tobian Johnson
604 Abbott Ave
Desoto, Texas 75115

214-878-2135

JS 44 (Rev. 09/11)

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Tobian Johnson

DEFENDANTS

Zwicker & Associates, P.C., eg al

(b) County of Residence of First Listed Plaintiff Dallas

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Williamson

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 15 U.S.C. § 1681p, 15 U.S.C. § 1692, et seq., and 28 U.S.C § 1331

Brief description of cause:
 Violations of the FDCPA, FCRA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$ 5,500.00

CHECK YES only if demanded in complaint:
 JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) PENDING OR CLOSED:

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE